

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DALE MAISANO,

Plaintiff,

v.

CORIZON HEALTH INC., *et al.*,

Defendants.

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Case No. 3:13-cv-0857

Judge Campbell

ORDER

This action was dismissed for failure to prosecute after the Court denied the plaintiff's application to proceed *in forma pauperis*, and the plaintiff failed to submit the filing fee. The plaintiff has now filed a notice of appeal. The plaintiff has not submitted either the \$455 appellate filing fee or a motion under Rule 24(a) of the Federal Rules of Appellate Procedure to pursue his appeal *in forma pauperis*.

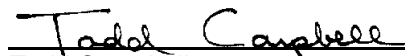
The Court now **CERTIFIES** that the appeal of this matter is not in good faith and therefore that the plaintiff would not be permitted by this Court to pursue his appeal *in forma pauperis* even if he had submitted a motion to do.

Pursuant to Rule 24(a)(5), the plaintiff may nonetheless file, within **30 days** after service of this order, a motion with the Sixth Circuit Court of Appeals for leave to proceed as a pauper on appeal. *Owens v. Keeling*, 461 F.3d 763, 775 (6th Cir. 2006); *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

Plaintiff is notified that if he does not file a motion in the Sixth Circuit Court of Appeals within 30 days of receiving notice of this order, or fails to pay the required appellate filing fee of \$455.00 within this same time period, the appeal may be dismissed for want of prosecution. *Callihan*, 178 F.3d at 804.

The Clerk of Court is **DIRECTED** to forward a copy of this Order to the Sixth Circuit Court of Appeals.

It is so **ORDERED**.



Todd Campbell
United States District Judge